



3:30 pm, 2/2/18

Tim J. Ellis
Clerk of Court

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF WYOMING

In re:

DENNIS MEYER DANZIK,

Debtor(s).

Bankruptcy Case No. 17-20934 CDP
Chapter 11

ORDER DENYING DEBTOR'S REQUEST TO CONTINUE THE AUTOMATIC STAY

This matter is before the Court on the Debtor's Request to Continue the Automatic Stay pursuant to 11 U.S.C. § 362(c)(3)(A) and (B).¹ No objections were filed.

Jurisdiction

The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2)(A), and directly concerns the administration of this Chapter 13 bankruptcy case.

Procedural History

Debtor Dennis Danzik filed this Chapter 11 voluntary bankruptcy case on December 6, 2017, having filed a prior Chapter 11 case on January 4, 2014. The earlier case was dismissed on March 8, 2017. Debtor filed this Motion on January 5, 2018.²

Discussion

The court finds that Section 362(c)(3)(B) provides that the Court may only extend the stay upon "notice and a hearing." This language triggers the operation of Bankruptcy Rule 4001-4(a)(1) and, thus, requires a minimum of at least fourteen-day notice, unless otherwise ordered by the Court. This court enacted General Order 15-03, shortening the time to object and providing the procedure to follow to request an extension and a hearing. Section 362(c)(3)(B) also requires that the Court hold and complete its hearing on the motion before the expiration of the thirty-day period; and the court

FURTHER FINDS that Debtor filed the present case on December 6, 2017. Debtor waited to file his request to continue the stay on the day of the expiration of the stay. The request was filed too late to allow a sufficient notice period to creditors of their right to object and for the Court to be able to hold a hearing and enter its ruling, all before the expiration of the thirty-day period. To comply with all the requirements of this statute, motions to extend the stay must be filed with the petition or shortly thereafter. Accordingly, it is

¹ Unless otherwise noted all statutory references are to the United States Code, Title 11.

² ECF No. 24.

ORDERED that the Debtor's Motion for Extension of the Automatic Stay is **DENIED**.

BY THE COURT:



Cathleen D. Parker 2/2/2018
United States Bankruptcy Judge